

Summary of the meeting
The Committee on Considering the Draft Constitution of the Kingdom of Thailand Amendment
(No. ..) Buddhist Era
7th meeting
Thursday 22th March 2012
At the Budget meeting room, 3rd floor, Parliament Building 3

The Committee considered the Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Era Started from article 291/4 summarized as follows.

Article 291/4

pending

Issue of consideration

The Constitution Drafting Assembly Members (CDA) in article 291/1 (2) should have what kind of qualifications and should not have what prohibitions?

The Committee discussed and commented the above issue in different points of view, summarized as follows.

1. To cut article 291/4 out entirely because the CDA should be constituted from one source only: 100 members being elected by the people directly, according to Democratic principle that the supreme power belongs to the Thai people.

2. To cut article 291/4 out entirely. The CDA should be elected by the people directly and embrace the election method of the Senate under the Constitution of the Kingdom of Thailand Buddhist Era 2540 to be enforced in the CDA election.

3. The CDA members should consist of 2 types follow the Cabinet's Draft. Both of them should come from direct election by the people. The first type consists of 200 members from constituency election, and the second type consists of 20 members from party list election.

4. To retain the Cabinet's Draft because it is necessary to have resource persons involving in drafting the Constitution as well as defining qualifications and prohibitions of the Constitution Drafting Assembly Members in article 291/1 (2).

4.1 The CDA members in article 291/1 (2) must not have prohibition in article 102 (5) under the Constitution of the kingdom of Thailand Buddhist Era 2540 just like prohibition of the Candidates for election as Member of Parliament.

4.2 The CDA members in article 291/1 (2) "must not be parent/ spouse/ or offspring of Member of Parliament/ Senator/ or the political appointees".

Result of the consideration

The meeting agreed to wait for further consideration in article 291/4 because the article relate to other articles, especially, issues concerning number and source of the CDA. When the consideration of the article has been resolved, the Committee will reconsider and find the conclusion of this article later.

Article 291/5

pending

Issue of consideration

The meeting discussed broadly and commented on issues as follow.

1. The provisions of paragraphs 1 and 2 of article 291/5 may cause uncertainty that action taken after the Royal Decree defining the date of application for Member of Parliament would be an action taken after article 291/5 or article 291/16 which both of them are different cases, Therefore, it should be clearly separated in order to prevent a problem for the interpretation or implementation.

2. The provisions of paragraphs 4 of article 291/5 where the Committee has invited representatives from the Office of the Election Commission of Thailand (ECT) to provide information to the Committee. The Committee discussed and commented in issues concerning stipulating the Election Commission to issue rules of the CDA election, practically, it is possible/ accurate/ appropriate or not. The Committee designated the ECT representatives to study and compile issues which may cause problems in the performance of duties under the Draft Constitution of the Kingdom of Thailand Amendment (No...) Buddhist Era Along with suggestions for solution in documentation and send back to the Committee. Therefore, the Committee should wait for the study result from the ECT for more information supporting the consideration on this matter

Result of the consideration

The meeting agreed to wait for further consideration in article 291/5 and designated representatives from the Council of State of Thailand office to correct wording of the article to be clearer defined. And waiting for results from the Election Commission as supporting information prior to the Committee's reconsideration on this article later.

Then, the meeting held in the afternoon inviting civil representatives who proposed the 3 Constitution Drafts along with representatives from the Institute of Human Rights and Peace Studies (an organization involving public hearing in the process of the constitutional amendment) to provide information to the Committee. The representatives of the above organizations expressed their opinions which are different from the Draft Constitution that the Committee is to consider. Such as, numbers/ types/qualifications and prohibitions of the CDA/ Constituent timing /and referendum of the Draft Constitution timing, etc. The Committee would embrace all information to imply in the Committee further deliberation of the Draft Constitution of the Kingdom of Thailand Amendment (No. ...) Buddhist Era

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Summarized

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Director of the Bureau of Committee 2